

Plaintiffs, as individually identified below in Section II (collectively referred to as “Plaintiffs”), file this Original Complaint against Defendants TGF Precision Haircutters, Inc., Brelan, Inc., and Frank Tavakoli (collectively, “TGF” or “Defendants”), and would show as follows:

I. OVERVIEW

1. TGF failed to pay Plaintiffs in accordance with the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201 *et seq.* Specifically, TGF failed to pay overtime for all hours worked by Plaintiffs in excess of 40 per workweek.

II. PARTIES

2. Plaintiff Eula Banks is an individual who resides in Houston, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

3. Plaintiff Devon Bell is an individual who resides in Huntsville, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

4. Plaintiff Barbara Boutte is an individual who resides in Baytown, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

5. Plaintiff Trina Bowman is an individual who resides in Spring, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

6. Plaintiff Wanda Brooks is an individual who resides in New Waverly, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

7. Plaintiff Princess Carr is an individual who resides in Houston, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

8. Plaintiff Chris Carter is an individual who resides in Cleveland, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

9. Plaintiff Carrie D'Agostino is an individual who resides in Needville, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

10. Plaintiff Debra Davis is an individual who resides in Katy, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this judicial

district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

11. Plaintiff Shirley Davis is an individual who resides in Houston, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

12. Plaintiff Corey Diamond is an individual who resides in Houston, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

13. Plaintiff Destinie Edwards is an individual who resides in Houston, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

14. Plaintiff Tiffany Foster is an individual who resides in Missouri City, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

15. Plaintiff Bisheba Gaines is an individual who resides in Houston, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

16. Plaintiff Quidonya Gaines is an individual who resides in Houston, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

17. Plaintiff Francesca Gambrell is an individual who resides in Houston, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

18. Plaintiff Alicia Hannibal is an individual who resides in Houston, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

19. Plaintiff Maria Hernandez is an individual who resides in Pasadena, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

20. Plaintiff Chervon Jackson is an individual who resides in Houston, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

21. Plaintiff LaDonna Jenkins-Bailey is an individual who resides in Spring, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this

judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

22. Plaintiff Nikia Johnson is an individual who resides in Houston, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

23. Plaintiff Cassandra Jones is an individual who resides in Channelview, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

24. Plaintiff Patricia Jones is an individual who resides in Humble, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

25. Plaintiff Willie Keener, Jr. is an individual who resides in Teague, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

26. Plaintiff Madonna Malone is an individual who resides in Baytown, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

27. Plaintiff Jessica Mattox is an individual who resides in Kansas City, Missouri. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

28. Plaintiff Margarita Monreal is an individual who resides in Houston, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

29. Plaintiff Portia Moranza is an individual who resides in Houston, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

30. Plaintiff Brenda Moses is an individual who resides in LaPorte, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

31. Plaintiff Kathy Parker is an individual who resides in Houston, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

32. Plaintiff Farnaz Razikazemi is an individual who resides in Katy, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this

judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

33. Plaintiff Gwendolyn Rector is an individual who resides in Baytown, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

34. Plaintiff Maria Romero is an individual who resides in Pasadena, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

35. Plaintiff Soila Santana is an individual who resides in Houston, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

36. Plaintiff Anni'a Scott is an individual who resides in Houston, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

37. Plaintiff Tammy Sims is an individual who resides in Crosby, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

38. Plaintiff Debra Stevens is an individual who resides in Houston, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

39. Plaintiff Miriam Torres is an individual who resides in Houston, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

40. Plaintiff Manuela Valdez is an individual who resides in Houston, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

41. Plaintiff Tammy Varnado (Ybarra) is an individual who resides in Cleveland, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

42. Plaintiff Fred Watson, Sr. is an individual who resides in Houston, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

43. Plaintiff Vivian White is an individual who resides in Houston, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this

judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

44. Plaintiff Kimberly Williams is an individual who resides in Houston, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

45. Plaintiff Alexis Wilson is an individual who resides in Lancaster, Texas. This Plaintiff worked as an employee of Defendants within the meaning of the FLSA within this judicial district within the relevant three-year period. This Plaintiff did not properly receive overtime compensation for hours worked in excess of 40 hours per week.

46. Defendant TGF Precision Haircutters, Inc. is a Texas corporation. During the relevant time period TGF was an employer of Plaintiffs within the meaning of the FLSA. TGF can be served through its registered agent for service, Mike Tavakoli, 8280 Westpark, Houston, Texas 77063, or wherever else he may be found.

47. Defendant Brelian, Inc. is a Texas corporation. During the relevant time period Brelian, Inc. was an employer of Plaintiffs within the meaning of the FLSA. Brelian, Inc. can be served through its registered agent for service, Farrokh Tavakoli, 8280 Westpark, Houston, Texas 77063, or wherever else he may be found.

48. Frank Tavakoli is the president of Brelian, Inc. and a shareholder in it. Tavakoli has control over the day-to-day operations of Brelian, Inc. During the relevant time period Tavakoli was an employer of Plaintiffs within the meaning of the FLSA. Tavakoli may be served at 8280 Westpark, Houston, Texas 77063, or wherever else he may be found.

III. JURISDICTION

49. This Court has subject matter jurisdiction over this case under 28 U.S.C. § 1331. This Court has personal jurisdiction over Defendants because each is based in this district, and because the cause of action arose within this district as a result of Defendants' conduct within this district.

IV. VENUE

50. Venue is proper in the Southern District of Texas under 28 U.S.C. § 1391(a) because this is a judicial district where a substantial part of the events or omissions giving rise to the claim occurred.

V. COVERAGE

51. At all times hereinafter mentioned, Defendants have been employers within the meaning of the Section 3(d) of the FLSA, 29 U.S.C. § 203(d).

52. At all times hereinafter mentioned, Defendants have been enterprises within the meaning of Section 3(r) of the FLSA, 29 U.S.C. § 203(r).

53. At all times hereinafter mentioned, Defendants have been enterprises engaged in commerce or in the production of goods for commerce within the meaning of Section 3(s)(1) of the FLSA, 29 U.S.C. § 203(s)(1), in that said enterprises have had employees engaged in commerce or in the production of goods for commerce, or employees handling, selling, or otherwise working on goods or materials that have been moved in or produced for commerce by any person and in that those enterprises have had and have an annual gross volume of sales made or business done of not less than \$500,000 (exclusive of excise taxes at the retail level which are separately stated).

54. At all times hereinafter mentioned, Plaintiffs were individual employees who were engaged in commerce or in the production of goods for commerce as required by 29 U.S.C. §§ 206-207.

VI. FACTS

55. Plaintiffs were employed by TGF as nonexempt stylists. TGF required, suffered, or permitted Plaintiffs to work in excess of 40 hours per week without being paid overtime compensation. Some of the hours worked by Plaintiffs were “off the clock,” that is, these hours were not recorded on Defendants’ time records for Plaintiffs. Plaintiffs were not paid time and a half for all the hours they worked over 40 hours per workweek.

56. The action in this lawsuit is related to C.A. No. H:03-3641; *Celia Johnson v. TGF Precision Haircutters, Inc., et. al.*; In the United States District Court for the Southern District of Texas; Houston Division, which is before the Honorable Judge Ewing Werlein, Jr. and C.A. No. H:05-0111; *Chandra Brooks, et al. v. TGF Precision Haircutters, Inc., et al.*; In the United States District Court for the Southern District of Texas; Houston Division, which is before the Honorable Judge Nancy F. Atlas.

VII. FAILURE TO PAY WAGES IN ACCORDANCE WITH THE FAIR LABOR STANDARDS ACT

57. During the relevant period, TGF has violated, the provisions of Sections 6 and/or 7 of the FLSA, 29 U.S.C. §§ 206, 207, and 215(a)(2), by employing employees in an enterprise engaged in commerce or in the production of goods for commerce within the meaning of the FLSA for workweeks longer than forty hours without compensating such employees for their employment in excess of forty hours per week at rates no less than one and one-half times the

regular rates for which they were employed. TGF has acted willfully in failing to pay Plaintiffs in accordance with the law.

**VIII.
RELIEF SOUGHT**

58. Plaintiffs respectfully demand a trial by jury and thereafter prays for judgment against TGF as follows:

- a. For an Order pursuant to Section 16(b) of the FLSA finding Defendants liable for unpaid back overtime wages due to Plaintiffs and for liquidated damages equal in amount to the unpaid compensation found due to Plaintiffs;
- b. For an Order awarding Plaintiffs the costs of this action;
- c. For an Order awarding Plaintiffs their attorneys' fees;
- d. For an Order awarding Plaintiffs pre-judgment and/or post-judgment interest at the highest rates allowed by law; and
- e. For an Order granting such other and further relief as may be necessary and appropriate.

Respectfully submitted,

/s/ J. Derek Braziel

BRADY EDWARDS

(ATTORNEY-IN-CHARGE)

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